

REMARKS

At the time of the Decision on Appeal dated September 2, 2009, claims 1-4, 10, and 12 were rejected under 35 U.S.C. § 102. All other rejections from the Second Office Action dated July 24, 2006, have been reversed.

By the present Amendment, claims 1-4, 10, and 12 have been cancelled claims to remove these claims from further consideration in this application. Applicant is not conceding in this application that those claims are not patentable over the prior art cited by the Examiner, as the present claim cancellations are only for facilitating expeditious prosecution of the present claims. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: October 30, 2009

Respectfully submitted,

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